

US EPA ARCHIVE DOCUMENT

least overall environmental impact. In response to public comment, two additional routing options at the south end of the western corridor were developed and analyzed. The corridors were compared and ranked by an interdisciplinary study team, resulting in the identification of an environmentally preferred corridor. The environmentally preferred corridor is Western's ultimate choice as the location within which to construct the proposed transmission line.

Mitigation

All practicable means to avoid or minimize potential environmental impact associated with the proposed action were identified in the DEIS and FEIS. Western will incorporate these measures in constructing, operating, and maintaining the proposed project. Special environmental requirements for sensitive or fragile areas will be included in the construction specifications for the construction contract, making them binding and enforceable on the contractor. Western project inspectors will be fully familiarized with the committed mitigation measures, and will ensure their implementation during construction. Where crossings of Federal or State lands are involved, Western will ensure that appropriate agency representatives are notified to perform any necessary monitoring functions. Western will consider any additional reasonable site-specific mitigation measures identified during construction or further consultation with other Federal and State agencies.

Integration with other Requirements

Intergovernmental Cooperation—Under requirements of the Intergovernmental Coordination Act, Western coordinated project planning with other Federal and State agencies. The TRNP and U.S. Forest Service were closely involved, attending public and agency meetings, and reviewing and commenting on the EIS. Western further coordinated with the State Historic Preservation Officer, the U.S. Fish and Wildlife Service, State elected officials, and local planning boards and commissions. It also incorporated any reasonable suggestions and concerns of affected landowners into project planning wherever feasible. A list of agencies involved is provided in the DEIS in part VI., Agencies, Organizations, and Persons Receiving a Copy of the Draft EIS.

Endangered Species—The U.S. Fish and Wildlife Service, under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*, as

amended), concurred with the "no effect" determination for threatened and endangered species and critical habitat.

Floodplains/Wetlands—In response to Executive Order 11988, Floodplain Management (May 24, 1977), and DOE's "Compliance with Floodplain/Wetlands Environmental Review Requirements" (10 CFR part 1022), Western evaluated the potential effects of the project on floodplains and wetlands. The transmission line will span or avoid wetland areas, and will span all floodplain areas. A total of 0.7 miles of riparian vegetation will be crossed by the proposed transmission line. No permanent access roads will be located in floodplains or wetlands. Western will implement erosion control measures including reseeding and the use of selective biodegradable soil stabilizing agents as needed to minimize potential soil erosion impacts. No practicable alternatives exist that would completely avoid floodplains, as the proposed action is a linear facility nearly 41-miles long. However, careful planning has reduced any potential impact to the minimum possible, and no significant impacts are expected.

Copies of this record of decision will be sent to the Federal, State, and local agencies, organizations, and individuals listed in part VI of the DEIS, as well as any parties who have expressed an interest in the project since the DEIS was issued.

Issued at Golden, Colorado, February 9, 1990.

William H. Claggett,
Administrator.

[FR Doc. 90-5060 Filed 3-5-90; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-3730-11]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Upjohn Company, Kalamazoo, MI

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition.

SUMMARY: Notice is hereby given by the United States Environmental Protection Agency (USEPA) that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA)

has been granted to the Upjohn Company, for its' two Class I injection wells located at Kalamazoo, Michigan. As required by 40 CFR part 148, the company has adequately demonstrated, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the continued underground injection by the Upjohn Company for the specific restricted hazardous wastes, identified as F001, F002, F003, F005, D001, and D007 (see 40 CFR part 261), exclusively into the Class I hazardous waste injection wells at the Kalamazoo facility specifically identified as Wells Number 3 and 4. This decision constitutes final USEPA action and there is no Administrative appeal process available for this final petition.

Background

The Upjohn Company submitted a petition for an exemption from the land disposal restrictions on hazardous waste injection on February 22, 1988. USEPA personnel reviewed all data pertaining to the site including, but not limited to, well construction, regional and local geologic conditions, other penetrations of the confining zone, seismic activity, and the computer model. The USEPA has determined that the geological setting at the site as well as the construction and operation of the well are adequate to prevent fluid migration out of the injection zone in the 10,000 year period, as required under 40 CFR part 148. The injection zone for this site is the Munising Formation, and the immediate confining zone is the Trempealeau Dolomite, at a depth of 4250 feet below the surface. The confining zone is separated from the lowermost underground source of drinking water (at a depth of 370 feet below the surface) by a sequence of permeable and less permeable sedimentary rocks, which provide additional protection from fluid migration into a drinking water source. A fact sheet containing a more complete summary of the proposed decision was published in the Federal Register on October 16, 1989 (54 FR 42448).

A public notice was issued on October 6, 1989, pursuant to 40 CFR 124.10. A public hearing was held on November 16, 1989, and upon request, the public comment period was extended to December 11, 1989. Several commentors questioned whether the exemption violated the intent of the HSWA amendments; however, the exemptions are authorized under RCRA (section 3004(d)(1), (e)(1), (f)(2), and (g)(5)). Several commentors asked about

the risk of seismic activity, and the effect that this may have on the demonstration. Further review shows that seismic activity is minimal near the Upjohn site, and will pose no danger. Several commentators questioned whether the injection and confining zones were adequate to contain the acidic waste. Review of the expected chemical interactions rock and the injected waste shows that the dissolution of rock will be minor compared to the thickness and amount of rock present. All comments have been considered in making the final decision. A responsiveness summary has been mailed to all commentators and included as part of the Administrative Record relating to this decision.

Conditions

Conditions relating to the exemption may be found in 40 CFR 148.23 and 148.24. In addition, the following conditions must be met:

- (1) The combined annual injection volume for Well Numbers 3 and 4 must not exceed 20 million gallons;
- (2) The injection zone shall be limited to the Munsing Formation; and
- (3) Injection shall only occur into the Mt. Simon Member and into that portion of the Eau Claire Member which is below 4750 feet.

The permits governing the use of these wells have been modified to impose these conditions on Upjohn.

DATE: This Action is effective as of February 27, 1990.

FOR FURTHER INFORMATION CONTACT: David Werbach, Lead Petition Reviewer, USEPA—Region 5, telephone (312) 886-4242. Copies of the petition and all pertinent information relating thereto are on file and are part of the administrative record. It is recommended that you contact the lead petition reviewer prior to reviewing the administrative record.

Kenneth A. Fenner,

Acting Director, Water Division.

[FR Doc. 90-5048 Filed 3-5-90; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140129; FRL-3709-3]

Access to Confidential Business Information by the Cadmus Group, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized the Cadmus Group, Inc. (CAD), of Waltham, Massachusetts, and its subcontractor Booz-Allen & Hamilton, Inc. (BAH), of Bethesda, Maryland, for access to

information which has been submitted to EPA under section 4 of the Toxic Substances Control Act (TSCA). Some of the information involved may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than March 16, 1990.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under contract number 68-D8-0111, contractor CAD, of 135 Beaver Street, Waltham, MA, and its subcontractor BAH, of 4300 East West Highway, Bethesda, MD, will provide support for the Office of Toxic Substances (OTS) in identification of regulatory and non-regulatory alternatives, regulatory support, and negotiation support. The support may be in the form of conducting meetings, conferences, workgroups, TSCA implementation activities, and identification of emerging issues that could affect OTS programs. Also, CAD and its subcontractor may provide system development support and assist in the review, development of policies, strategies, and plans for EPA toxic substance responsibilities. In addition, CAD and its subcontractor will conduct a census of the toxicological testing in order to access the capacity for EPA under section 4 of TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under contract number 68-D8-0111, CAD and its subcontractor will require access to CBI submitted to EPA under section 4 of TSCA to perform successfully the duties specified under the contract. Some of the information involved may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under section 4 of TSCA that EPA may provide CAD and its subcontractor access to these CBI materials on a need-to-know basis. All access to TSCA CBI under this contract will take place at EPA Headquarters and BAH's facility located at 4330 East West Highway, Bethesda, MD. CAD and its subcontractor BAH have been authorized access to TSCA CBI at BAH's facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved BAH's security plan and has found the

facility to be in compliance with the manual.

Clearance for access to TSCA CBI under this contract is scheduled to expire on May 31, 1990.

CAD and subcontractor personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: February 26, 1990.

Linda A. Travers,

Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 90-5046; Filed 3-5-90; 8:45 am]

BILLING CODE 6560-50-D

[OPP-30000/53D; FRL 3712-8]

Ethylene Bisdithiocarbamates; Amendments and Cancellations of Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended notice and notice of receipt.

SUMMARY: In the Federal Register of December 4, 1989 (54 FR 50020), EPA issued a notice under section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., which announced EPA's receipt of requests from registrants of certain technical and end-use ethylene bisdithiocarbamate (EBDC) pesticide products to amend their registrations to delete certain uses on food crops or to voluntarily cancel certain product registrations:

This notice amends the December 4 notice to include several additional crops in the list of those deleted from Pennwalt Corporation's affected maneb registrations and labels, to amend the list of affected product registrations by correcting a Pennwalt maneb registration number, to include affected Pennwalt mancozeb registration numbers which were omitted in the earlier notice, to delete an E.I. duPont de Nemours & Co. mancozeb product which was included by error, and to delete a Morgro zineb product from the list of cancelled registrations and to add it to the list of registrations with deleted uses. All other portions of the December 4 notice pertaining to these products and uses as well as all other products and uses affected by that notice remain the same. The December 4 notice is not amended or otherwise changed in any way for those products not affected by these changes.

In addition, this notice announces EPA's receipt of some additional